GOURI MUDALIAR

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**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRCA No. 1561 of 2026**

Hori Lal Pankaj S/o Lalit Pankaj Aged About 45 Years R/o Housing Board Colony, Vidhan Sabha, Police Station Vidhan Sabha, Distt. Raipur Chhattisgarh

**... Applicant**

**versus**

State Of Chhattisgarh Through The S H O, Police Station - Saraswati Nagar, Distt. Raipur Commissionerate Chhattisgarh

**... Respondent**

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| For Applicant | : | Shri Aman Guru, Advocate. |
| For Respondent/State | : | Shri Rishiraj Pithwa, Dy.G.A. |
| For complainant | : | Shri C.R. Sahu, Advocate. |

**SB: Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board**

**02/11/2026**

1. The applicant has preferred the first anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') for grant of anticipatory bail, apprehending

his arrest in connection with Crime No.169/2026, registered at Police Station Saraswati Nagar, Raipur for the alleged offences under Sections 318 (4) & 3 (5) of Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on a written complaint made by complainant Sachin Kumar Manikpuri, a case under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita was registered against the applicant and co-accused Jitesh Kumar Chandrakar. The allegation against the applicant is that he along with Jitesh Kumar Chandrakar fraudulently obtained a loan of Rs.5,50,000/- and a mobile loan of Rs.40,000/-from Bandhan Bank between 3/11/2025 and 1/12/2025 in the name of complainant without his knowledge. Hence, apprehending his arrest in the offence registered at Police Station Saraswati Nagar, Raipur the present anticipatory bail application has been filed by the applicant.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the offence. The allegation levelled in the FIR do not constitute any offence under Sections 318(4) and 3(5) of the BNS. All the documentary formalities with the bank has been completed by the co-accused Jitesh Kumar Chandrakar and in none of the documents the name of the present applicant is reflected. It is only an oral allegation of the complainant that he along with co-accused Jitesh Kumar Chandrakar committed the offence. The report has been lodged with malafide intention just to rope the

present applicant in a false case. The allegations made in the FIR are general and vague in nature. There is delay of about 8 months in lodging the FIR. The complainant himself admitted that he himself on his own will signed the documents before the bank and the loan amount was also deposited by the bank in his own personal account and he himself transferred and withdrawn the amount. The statement of complainant was also recorded in the offence of Crime No.101/2026 registered at Police Station Pandri, Raipur which shows that the complainant has the malafide intention against the applicant to rope in a false case. He would further submit that in the offence of Crime No.101/2026 registered at Police Station Pandri, Raipur the applicant has been released on regular bail by the coordinate bench of this Court vide order dated 23/07/2026 passed in MCRC No.6617/2026. He would also submit that though the applicant is having criminal antecedents which was of the offence of the year 2017 and 2023 but he has been acquitted in both these offences, therefore the applicant may be enlarged on anticipatory bail.

4. On the other hand, learned counsel appearing for the State opposes the submissions made by learned counsel for the applicant and would submit that the loan amount has been credited in the bank account of co-accused Jitesh Kumar Chandrakar and both the accused persons have withdrawn the amount from the bank account fraudulently and thereby

cheated the complainant. Although the documentary formalities have been completed by the co-accused Jitesh Kumar Chandrakar but in the FIR itself the complainant have raised allegation against the present applicant also that both the accused persons have committed the offence and the co-accused Jitesh Kumar Chandrakar shown the present applicant to be the higher officer of the bank. Even if the applicant has been released on regular bail in Crime No.101/2026 registered at Police Station Pandri, Raipur, in view of the allegations levelled in the present FIR, he is not entitled to be released on anticipatory bail as he is also having criminal antecedents with respect to similar nature of offence.

5. Learned counsel appearing for the objector would also submit that the applicant along with co-accused Jitesh Kumar Chandrakar has cheated him and the anticipatory bail application of co-accused Jitesh Kumar Chandrakar in the present FIR has been rejected by this Court vide order dated 03/09/2026 passed in MCRCA No.1452/2026. In the FIR the allegation against the present applicant is also similar to that of the allegation against the co-accused Jitesh Kumar Chandrakar, therefore his anticipatory bail application is also liable to be dismissed.

6. I have heard learned counsel for the parties and perused the case diary.

7. Considering the submissions made by learned counsel for the parties, particularly considering the allegations made by the complainant in the FIR against the present applicant and the co-accused Jitesh Kumar Chandrakar, the manner in which the accused persons have allegedly cheated the complainant and that the anticipatory bail application of the co-accused Jitesh Kumar Chandrakar has been rejected by this Court vide order dated 03/09/2026 in MCRCA No.1452/2026 and further that the criminal antecedents of the applicant though he has been acquitted in the offence of the year 2017 and 2023, this Court is not inclined to grant benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application of the applicant Hori Lal Pankaj is rejected.

Sd/-
**(Ravindra Kumar Agrawal)**
**Judge**

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